

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Division 1, Chapter 4, Subchapter 4, Article 10, Section 1593
of the Construction Safety Orders; and Subchapter 7, Article 25,
Section 3650 of the General Industry Safety Orders

Use of Forklift Trucks and Excavators for Hoisting Loads**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO WRITTEN AND ORAL COMMENTS:**I. Written Comments**

Mr. David Shiraishi, Area Director, Region IX, OSHA, U.S. Department of Labor, by letter dated July 16, 2012.

Comment:

Mr. Shiraishi commented that Federal OSHA has reviewed the proposal and found it not to be commensurate with federal standards. Mr. Shiraishi stated that using a sling with a forklift truck can be considered a modification, which the employer will need to obtain written manufacturer's approval in accordance with 29 CFR 1910.178(a)(4). According to Mr. Shiraishi, excavators, loaders and similar equipment must be designed or approved by the manufacturer to hoist material with a sling. Federal OSHA recommends a paragraph be added to ensure employers only use equipment approved by the manufacturer for hoisting loads with a sling.

Response:

Federal standards CFR 1910.178 and CFR 1926.602 respectively do not prohibit the use of forklifts, excavators or similar equipment to lift suspended loads. In fact, CFR 1926.251 mentions requirements for slings used with material handling equipment. The intent of this proposal is to ensure that proper rigging is used to lift suspended loads and to remind employers that, when slings are used, compliance with the sling standards in Article 101 of the General

Industry Safety Orders (GISO) is required. Existing Title 8, Section 3650(e) already addresses the manufacturer's prior written approval for major modifications or structural changes.

Board staff considers the attachment of a sling to a forklift a major modification because it would dramatically alter the function of the equipment from material handling to hoisting which will have a significant effect upon the forklifts center of gravity and create load stresses not anticipated by the manufacturer. In addition, the use of a sling with a forklift will require alteration of the fork tines to ensure secure attachment points (e.g. rigging hardware) are provided for the sling and any other rigging accessories that may be required to securely attach the sling to the trucks forks. Not to mention the operating characteristics of the forklift will change when loads are suspended and moved including the forklifts tipping moment.

In addition, Section 3328 of the GISO requires that machinery and equipment not be used or operated under conditions of speeds, stresses, or loads which endanger employees. Federal Register Volume 75, No. 152, Part II (August 9, 2010) Cranes and Derricks in Construction Final Rule, recognizes the practice of using forklifts and excavators and discusses using chains, slings or other rigging to lift suspended loads. Further, it excludes the use of forklifts and excavators from the crane requirements when used to hoist loads but recognizes the practice. Therefore, Board staff believes that modifying, or adding a paragraph to, the proposal as suggested is duplicative and unnecessary.

The Board thanks Mr. Shiraishi for his comments and participation in the Board's rulemaking process.

II. Oral Comments

There were no oral comments received at the July 19, 2012 Public Hearing in San Diego, California.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.